

Title 36: TAXATION
Chapter 811: COMPUTATION OF TAXABLE
INCOME OF RESIDENT ESTATES AND TRUSTS

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Maine Revised Statutes
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Chapter 811: COMPUTATION OF TAXABLE
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§5163. MAINE TAXABLE INCOME OF RESIDENT ESTATE OR TRUST

The Maine taxable income of a resident estate or trust is equal to its federal taxable income modified by the addition or subtraction of its share of the fiduciary adjustment determined under section 5164. [2003, c. 390, §36 (AMD).]

SECTION HISTORY

P&SL 1969, c. 154, §F1 (NEW). 2003, c. 390, §36 (AMD).

§5164. FIDUCIARY ADJUSTMENT

1. Fiduciary adjustment defined. The fiduciary adjustment is the net amount of the modifications described in section 5122, including subsection 3 if the estate or trust is a beneficiary of another estate or trust, that relates to items of income or deduction of an estate or trust. Income taxes imposed by this State or any other taxing jurisdiction and interest or expenses incurred in the production of income exempt from tax under this Part that were deducted in arriving at federal taxable income must be added back to the fiduciary adjustment. Interest or expenses incurred in the production of income taxable under this Part but exempt from federal income tax must be subtracted from the fiduciary adjustment.

[2011, c. 548, §26 (AMD); 2011, c. 548, §35 (AFF) .]

2. Shares of fiduciary adjustment. The respective shares of an estate or trust and its beneficiaries, including solely for the purpose of this allocation, nonresident beneficiaries, in the fiduciary adjustment shall be in proportion to their respective shares of federal distributable net income of the estate or trust. If the estate or trust has no federal distributable net income for the taxable year, the share of each beneficiary in the fiduciary adjustment shall be in proportion to his share of the estate or trust income for such year, under local law or the terms of the instrument, which is required to be distributed currently and any other amounts of such income distributed in such year. Any balance of the fiduciary adjustment shall be allocated to the estate or trust.

[1969, c. 154, §F1 (NEW) .]

3. Alternate attribution of adjustment. The assessor may authorize, upon the taxpayer's written request, the use of other methods of determining to whom the items comprising the fiduciary adjustment are attributed, as may be appropriate and equitable.

[1995, c. 639, §18 (AMD) .]

SECTION HISTORY

P&SL 1969, c. 154, §F1 (NEW). 1995, c. 639, §18 (AMD). 1999, c. 708, §38 (AMD). 2007, c. 539, Pt. CCC, §12 (AMD). 2011, c. 548, §26 (AMD). 2011, c. 548, §35 (AFF).

§5165. CREDIT FOR INCOME TAX OF ANOTHER STATE

A resident estate or trust shall be allowed the credit provided by section 5217-A, except that the limitation shall be computed by reference to the taxable income of the estate or trust. [1989, c. 596, Pt. J, §4 (AMD).]

SECTION HISTORY

P&SL 1969, c. 154, §F1 (NEW). 1987, c. 504, §17 (AMD). 1989, c. 596, §J4 (AMD).

§5166. CREDIT TO BENEFICIARY FOR ACCUMULATION DISTRIBUTION

(REPEALED)

SECTION HISTORY

P&SL 1969, c. 154, §F1 (NEW). 1985, c. 783, §30 (RP).

§5167. CREDIT FOR INVESTMENT IN THE MAINE CAPITAL CORPORATION

(REPEALED)

SECTION HISTORY

1977, c. 531, §3 (NEW). 1981, c. 364, §66 (RP).

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